

**Remarks/Arguments:**

**I. INTERVIEW SUMMARY**

Applicants thank Examiner Truong for speaking with Applicants' attorneys in the Examiner Interview conducted on August 22, 2007. During the Interview, Applicants reminded Examiner Truong that the pending application is a divisional application of U.S. Patent No. 6,729,356. As such, the pending application has a priority date of April 27, 2000, which was claimed in Applicants' Preliminary Amendment dated March 8, 2004 and was acknowledged by the Office in the Official Filing Receipt dated May 26, 2004.

Based on this information, Applicants' attorneys communicated to Examiner Truong that the rejections made in the Office Action dated April 19, 2007, based on U.S. Patent No. 7,166,120 ("the '120 patent"), were improper. Specifically, Applicants' attorneys noted that the '120 patent was filed on July 12, 2002 and therefore is not prior art to the pending application. In fact, the pending application maintains a priority date more than two years before the earliest date of the '120 patent on which the Office can rely for a Section 102 rejection. In view of this information, Examiner Truong agreed that the '120 patent could not be considered prior art to the pending application.

Another item discussed during the Examiner Interview was the status of claims 4-7. Although the Office maintains that claims 4-7 are withdrawn, Applicants' attorneys submitted that at least claim 4 clearly reads on the elected species. Examiner Truong requested that Applicants provide support for this assertion, which Applicants provide below.

**II. RESPONSE**

Claims 1-7 are pending in the application, with claims 5-7 withdrawn as directed to a nonelected species. Applicants submit that claim 4, considered withdrawn by the Office, clearly is supported as inclusive of the elected species (Figures 1, 2 and 4), as shown in Figures 1 and 4, and as set forth in the originally filed specification, for example, at page 9, line 19 to page 10, line 12. Therefore, Applicants request that the status of claim 4 be corrected to properly reflect that this claim is under consideration.

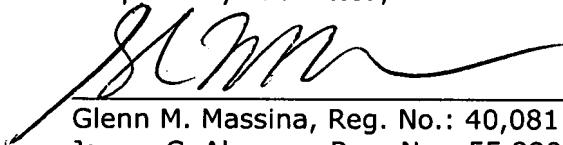
Claims 1-3 stand rejected as anticipated by the '120 patent. As discussed above, Applicants respectfully submit, and the examiner acknowledged, that the '120 patent is not prior art to the pending application. Therefore, claims 1-3 are allowable over the '120 patent. Claim 4, which is dependent on claim 3, is also allowable. Additionally, withdrawn claims 5-7 are also allowable as dependent on generic claim 1.

Applicants respectfully submit that the continued rejection of the unamended claims is the kind of piecemeal examination that the Office deems should be avoided as much as possible. See M.P.E.P. § 707.07(g). "The examiner ordinarily should reject each claim *on all valid grounds available*, avoiding, however, undue multiplication of references." (emphasis added). *Id.* Applicants respectfully submit that rejections should be based on the "best" reference available to avoid "multiplying references, any one of which is as good as, but no better than, the others, [which] adds to the burden and cost of prosecution." M.P.E.P. § 904.03. Here, Applicants contend that if a new rejection is warranted based on an additional search, such a rejection should at least be made Non-Final. The Office has had two opportunities to present the "best" reference to reject the pending claims, and each time the rejections have been overcome without a substantive amendment to the claims. Therefore, Applicants respectfully submit that should an Office Action issue rejecting the currently pending claims, such action should be Non-Final.

### III. CONCLUSION

Notwithstanding, Applicants respectfully submit that each of the pending claims is in condition for allowance. Applicants further submit that withdrawn claims 5-7 are entitled to consideration as dependent upon allowable generic claim 1. Early reconsideration and allowance of each of the pending claims are hereby respectfully requested.

Respectfully submitted,



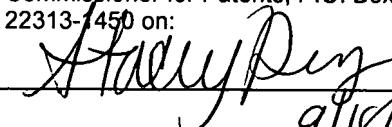
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9/18/07